

The diploma thesis deals with the current legislation of a payment order procedure. It is focused on issues for which legislation does not have an explicit answer. The thesis in particular with the help of generalized conclusions from more significant court decisions tries to find solutions for situations that occur more or less often during the payment order procedure, but are not dealt with uniformly in the practice of lower courts. The existing legislation is also compared with a possible future modification in the new civil procedure code.

At first, the concept of the payment order procedure and its basic principles are defined. Furthermore, the importance of this form of procedure for the current Czech judiciary is evaluated, as it helps to speed up and simplify activities of judiciary. This is also achieved by involving court employees in decision-making activity, whose specifics are also described by the thesis.

The following sections are focused on a payment order, an electronic payment order, a payment order under a bill of exchange or a cheque and a European order of payment. The conditions for issuing a given type of decision, its content and the defense options of the defendant are always interpreted. The differences between each sub-type of payment order procedure from general civil proceedings are following. These may include special procedures for service and communication with the court, different rules for the reimbursement of costs and the payment of court fees, or the admission of a subsequent review of an enforceable payment order.

After explaining the course of the payment order procedure, the thesis is focused on the possibilities of using the obtained payment orders in the enforcement and insolvency proceedings. Attention is focused on the differences associated with this use, which are caused by the lack of justification in the payment orders. At the end of the thesis it is also focused on peculiarities concerning the application of the payment orders under bill of exchange or cheque in insolvency proceedings.